

## **REMARKS**

Claims 1 through 25 continue to be in the case.

The Office Action of January 31, 2005 states that prosecution is being reopened on this case because of the discovery of PCT publication WO 97/49073, which was published on 18 June 1997.

2. For purposes of this action, Examiner will use the patent (US Patent Number 6,089,980), which is a translation of the PCT publication. All citations will be made with reference to locations in the US Patent.

Applicant is not aware that there is any relationship between PCT publication WO 97/49073 and United States patent 6,089,980.

The Office Action refers to Claim Objections.

3. Claims 1 & 7 stand objected to because of the following informalities: Claims 1 & 7 recite "in the following" in line 8. There appears to be something missing. This and other such errors makes the Examiner suspect that this is a direct translation from another language - thus the rejection below. Appropriate correction is required.

The present amendment removes the language "in the following" from claim 1. The language "in the following" is not seen in claim 7. The present amendment removes the language "in the following" from claim 9.

**The Office Action refers to Drawings**

4. The drawings are objected to because Fig 2 is merely a set of boxes with numbers. Components should be labeled in such a manner that those reading the drawings can determine the basic components of the system. Corrected drawing sheets in compliance with 37 CFR 1.121 (d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s)

should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant is submitting with this amendment a revised Fig. 2, where now numerous blocks have been furnished with an inscription.

The Office Action refers to the Specification.

5. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

6. A substitute specification is also required due to the large numbers of amendments made to the specification. It is impossible for the Examiner to determine exactly what the specification now discloses. Again, Examiner stresses that the substitute specification filed must be accompanied by a statement that it contains no new matter.

Applicant is working on a substitute specification.

The Office Action refers to Claim Rejections - 35 USC, § 112.

8. Claims 10-18 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make or/or use the invention. The claims refer to operational blocks in a manner that suggests that these are structural elements - i.e., a piece of physical hardware. Claim 10, for instance recites, "monitoring a credit balance state with a first operational block exhibiting a game state..." This clearly indicates that the first operational block is some sort of physical structure.

Applicant respectfully disagrees. There is no statement associated with claim 10 saying that an operational block be represented by a certain physical structure.

The Office Action continues that yet the specification fails to disclose any such structure. The specification refers to "operational blocks" as steps to be executed in a program in the description of Figure 3. Furthermore, Applicant's Appeal Brief refers to Fig 3 as providing support for these claims. But Figure 3 describes the operation of a computer program and cannot provide support for any physical structure.

Applicant urges that the present specification confirms that the operational blocks do not have to be physical structures.

The claims also recite "branching blocks". These are also claimed as structural elements. As noted above, Figure 3 does not provide support for any such structure.

Applicant further notes that the application does not assert that a "branching block" is a physical structure and such branching block can be considered as a logical entity.

10. Claims 1-25 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are

generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Claims are interpreted as Best understood by the Examiner.

Claims 9 to 25 are believed not to be a literal translation into English from a foreign document.

11. Claim 2 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites the limitations "the highest winning value" in lines 7 & 8 and "the winning value" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Furthermore, it is not clear that these refer to the same winning value - though Examiner assumes that they do.

Claim 2 is being amended to provide for proper antecedent basis.

12. Claim 8 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites the limitations "the highest winning value" in lines 6-7 and "the winning value" in line 8. The claim also recites, "the highest winning" in line 9. (Presumably this is highest winning value, but Examiner cannot be certain.) There is insufficient antecedent basis for these limitations in the claim. Furthermore, it is not clear that these refer to the same winning value - though Examiner assumes that they do

Claim 8 is now amended to recite a proper antecedent basis.

The Office Action refers to Claim Rejections - 35 USC § 103.

14. Claims 1-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gauselmann (WO 97/49073) in view of Bridgeman et al. (US Patent Number 5,033,744).

Applicant believes that United States Patent 6,089,980 is not congruent with PCT-publication Gauselmann (WO 97/49073).

Claim 1: Gauselmann teaches a method for operating a coin actuated entertainment automat (2a) comprising placing a coin into a coin acceptance device (12) of an entertainment automat; testing the coin in a coin testing device (Col 6, 10); displaying symbols on a symbol display device (8), wherein a displayed symbol combination comprises several symbols (Fig 1 shows several symbols displayed on display device 8) and wherein upon reaching of a predetermined credit balance in a credit balance counter disposed on the side of the control unit a symbol combination is displayed with the symbol display device (i.e., when a player deposits enough money, he can play the game - this is how slot machines operate). Gauselmann teaches controlling the course of the game with a control unit including a microcomputer (9) and a pseudorandom number generator (216). Gauselmann teaches renewing the Symbols within a predetermined time window until a winning carrying symbol combination is reached; and accumulating the obtained winning in the credit balance counter - i. e., Gauselmann teaches determining a winner and paying winnings like any other slot machine.

Gauselmann does not teach influencing the course of the game by on operational element disposed on the front side of the entertainment automat or substituting a symbol by another randomly determined symbol. This is simply a description of the notoriously well known game of draw poker. In draw poker, the player uses controls on the console to determine which cards to hold. This is influencing the course of the game by on operational element disposed on the front side of the entertainment automat. The gaming machine then dispenses new cards for those not held. This is substituting a symbol by another randomly determined symbol. Bridgeman teaches draw poker. (Abstract) Draw poker machines are among the most popular gaming machines in the industry. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Gauselmann in view of Bridgeman to influence the course of the game by on operational element disposed on the front side of the entertainment automat and substitute a symbol by another randomly determined symbol (i.e., implement a draw poker game) in order to take advantage of the well known popularity of draw poker.

Applicant urges that there is no suggestion within the four corners of the references Gauselmann and Bridgeman et al for

the combination of references attempted to be constructed in the Office Action.

Reconsideration of all outstanding rejections is respectfully requested. All claims as presently submitted are deemed to be in form for allowance and on early notice of allowance is earnestly solicited.

Respectfully submitted,

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